

Appl. No. 10/628,179  
Amdt. dated October 21, 2004  
Reply to Office Action of July 22, 2004

Remarks/Arguments

Claims 1-4, 6-10, 12-15, 17, 19 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Staten (4,726,824). Claims 5, 11 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Staten (4,726,824), in view of Mears et al (4,927,438). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Staten (4,726,824), in view of Walker (6,136,077).

Independent claims 1, 8, 14 and 17 have been amended to clarify that the workstation according to the present invention includes an exhaust opening and a make-up air inlet that maintain a net airflow into the workstation's chamber. No new matter has been added as a result of these amendments since the amended limitations come from now canceled claims 7, 13, 17 and 18. Reconsideration and withdrawal of the rejections are respectfully requested.

The purpose of the present invention is to provide a workstation including a biohazard containment chamber that prevents the escape of biohazard material from the chamber by providing laminar airflow across the chamber while maintaining a net airflow into the chamber. In particular, the present invention relates to laboratory safety enclosures for use in housing automated instrumentation used in the handling of biohazard materials.

Basically, the workstation of the invention is comprised of an enclosure having a front wall, a back wall, a top wall, a bottom wall, and first and second opposed end walls, the walls together defining a chamber. The chamber has an air inlet opening and an air outlet opening, with a high efficiency filter between at least one of the openings and the chamber. It will be understood that the term "opening" as used herein encompasses an entire wall, as well as an opening within a wall. An airflow means directs air along a horizontal pathway through at least a part of the chamber between the end walls. An air exhaust is provided downstream of the filter

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to exhaust a part of the filtered air, and a make-up air inlet into the chamber is provided for introduction of make-up air. This introduction of make-up air maintains a net airflow into the chamber. Thus, greatly reducing the possibility of leakage of biohazard materials to the outside of the containment chamber.

The Present Invention Is Novel Over Staten (4,726,824)

As stated in the MPEP §2131, a claim is anticipated under §102 only if each and every element as set forth in the claim, in as complete of detail, is found in a single prior art reference. The claimed invention, according to the independent claims, includes a recitation for an exhaust opening and a make-up air inlet. As such, for the cited reference to Staten to be anticipatory, the reference must describe these identical elements. In other words, Staten, to teach in as much detail as is claimed by the present invention, must disclose an exhaust opening and a make-up air inlet.

Staten provides no exhaust opening or make-up air inlet. Therefore, Staten provides no provision for maintaining a net airflow into a containment chamber. Thus, the air purification system disclosed by Staten would be unusable as a biohazard containment chamber like the present invention. Therefore, Staten cannot anticipate the present invention as claimed.

The Present Invention Is Not Obvious Over The Cited Reference

The Federal Circuit has ruled on numerous occasions that a holding of "obviousness" requires some motivation, suggestion or teaching within the cited references that would lead one skilled in the art to modify the cited reference or references as claimed by applicant. See, for example, *In re Kotzab*, 217 F.3d 1365, 55 USPQ2d 1313 (Fed Cir. 2000):

"Most if not all inventions arise from a combination of old elements. See *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. However, identification in the

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prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See *B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996)."

The cited Staten, Mears et al and Walker patents all describe structures useable for controlling fluid flow. The claims of the present invention also describe structures for controlling fluid flow and specifically airflow. However, the applicant's structures as specifically claimed, call for an exhaust opening and a make-up air inlet to maintain net airflow within the workstation's containment chamber. The Staten, Mears et al and Walker patents all fail to suggest or teach alone or in combination a structure having an exhaust opening and a make-up air inlet that maintains net airflow into a containment chamber. In other words, the Staten, Mears et al and Walker patents all teach structures useful for controlling fluid flow but they do not teach structures for maintaining a net airflow into a containment chamber of a workstation.

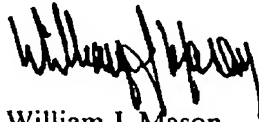
Specifically, independent claims 1, 8, 14 and 17, and the claims dependent thereon, require an exhaust opening and a make-up air inlet to maintain net airflow into the workstation chamber. None of the cited references including the patents to Brunner et al, Luetkemeyer, Baker, Lawrence III, Suzuki et al, Mizuno et al, also cited, but not applied teach an exhaust opening and a make-up air inlet for maintaining net air flow into a workstation chamber.

Accordingly, in the absence of such motivation, suggestion or teaching, the claimed invention cannot be rightfully held to be obvious to one skilled in the art.

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In view of the foregoing amendments and for the above reasons, it is now believed that the current application is in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's agent at the number below.

Respectfully submitted.



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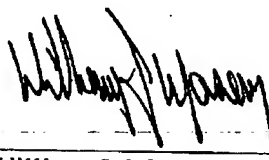
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**CERTIFICATE OF TRANSMISSION**

Date of Deposit: October 21, 2004

I hereby certify that this paper, which is an Amendment for the LATERAL-FLOW BIOHAZARD SAFETY ENCLOSURE S/N 10/628179 is being sent via facsimile 703-872-9306 to the United States Patent and Trademark Office on the date indicated above.



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